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**From:** Rao, Kate  
**Sent:** Wed 4/13/2016 4:23:36 PM  
**Subject:** Audit: EPA lax guarding drinking water from energy waste (article: USA Today) [CA specifically mentioned - see highlighted sections] - put link to GAO audit at bottom of email

[Audit: EPA lax guarding drinking water from energy waste](#)

Ian James, The Desert Sun 8:08 p.m. EDT April 12, 2016

A federal review has faulted the U.S. Environmental Protection Agency for not adequately safeguarding drinking water supplies from the increasing amount of wastewater generated by the oil and gas industries, which have boosted production during the past two decades.

The EPA has not consistently carried out oversight of programs that regulate injection wells where oil and natural gas companies send streams of wastewater into the ground, and therefore is unable to properly assess whether sources of drinking water are being protected across the country, the Government Accountability Office said in a report to members of Congress. The government audit also found that EPA has failed to adequately collect information from state and regional regulators about inspections and other enforcement actions.

“The most important thing is that finally the government investigators confirm that EPA does not have the adequate amount of information to safely oversee its programs and ensure that underground sources of drinking water are protected,” said John Noel, national oil and gas campaigns coordinator for Clean Water Action in Washington. “It confirms our suspicion that drinking water is not being protected at the highest levels.”

The report comes at a time of increased scrutiny around how the EPA and states oversee drinking water safety, following the lead-contamination crisis in Flint, Mich., and an ever-increasing series of revelations about problems with other drinking water systems across the United States and holes in the regulatory process. For instance, last month, a USA TODAY NETWORK investigation revealed that almost 2,000 additional water systems spanning all 50 states had exceeded federal standards for lead contamination, and that 180 of those water systems also had been cited for failing to notify consumers about the high lead levels.

An increase in U.S. oil and gas production since the 2000s has led to growing amounts of wastewater, and much of that water ends up routed back into aquifers through a type of injection wells called “class II” wells. The GAO said that, as of 2013, there were more than 176,000 of these wells across the country, in states such as Pennsylvania, Virginia, Texas, Oklahoma, New Mexico and California.

State agencies and EPA regional offices are supposed to report information to the EPA about their regulation of the injection of oil and gas wastewater into aquifers. The EPA is charged with assessing whether those programs are effectively preventing potential contamination of drinking water. But GAO auditors found the federal agency “has not consistently conducted oversight activities necessary to assess whether state and EPA-managed programs are protecting underground sources of drinking water.”

“Without well-specific data on inspections, EPA cannot assess whether state and EPA-managed programs are meeting annual inspection goals,” the GAO said in the report, which was released on March 28.

Among the problems identified was a failure by front-line regulators to report serious violations to EPA. GAO's investigators examined types of violations ranging from “unauthorized injection” to lapses in reporting and “failure to plug” a well in seven states — Colorado, Kentucky, North Dakota, Ohio, Oklahoma, Pennsylvania and Texas. They found 29 of the 93 significant violations should have been reported to the EPA on a form. Only seven, however, were properly reported as required.

The EPA said it generally agrees with much of the GAO's analysis and findings, and has agreed to “take actions to best advance our data collection and oversight efforts.”

Various oil and gas extraction processes generate wastewater, including hydraulic fracturing, or fracking, which involves injecting water, sand and chemicals under high pressure. In order to have aquifers exempted from the requirements of the Safe Drinking Water Act, oil and gas companies can apply to the EPA — a process that in many states begins with a review by state regulators. When an aquifer is declared exempt, the lifting of protections allows companies to inject fluids or wastewater into aquifers.

Noel said the injection of wastewater into aquifers is cause for concern because the water is often much saltier than seawater and can contain heavy metals as well as naturally occurring radioactive materials. He said it's important the government review is putting a spotlight on the weaknesses in oversight, especially as drought strains water supplies in many parts of the West.

“You would think that an act of writing off a potential drinking water source would at least be coupled with rigorous oversight and accountability,” Noel said. “The oil and gas industry is exploiting these lapses in oversight and transparency.”

Representatives of industry groups disagree.

“The important question here seems to be: are drinking water sources being protected? The answer is yes,” said Katie Brown, a spokesperson for Energy In Depth, a research and education program of the Independent Petroleum Association of America. She said water is pumped from the ground as part of the oil and gas production process and this “produced water” is often injected back into the same underground zones where the water came from. She said there are thorough oversight procedures in place to prevent

any contamination of drinking water.

“States with primacy over their injection well programs have very rigorous programs – programs that go above and beyond what EPA requires,” Brown said in an email. She said those programs are effectively protecting drinking water. She pointed to Ohio as an example, noting the EPA recently praised the state’s regulatory program as being strong in areas ranging from permitting to inspections.

The GAO report said the EPA annually collects data from state and regional EPA regulators on the types of inspections they conduct. But the report said the information collected is not “specific enough to determine the number of different types of inspections” those agencies are supposed to be conducting each year.

The federal agency’s procedures also include collecting information on “unresolved significant violations” to determine if enforcement actions are necessary. But when government auditors looked at a sample of 93 significant violations between the federal budget years 2008 and 2013, they found that “state and EPA-managed programs did not report data on such violations completely or consistently.”

**The GAO report also cited problems in California, where in recent years the EPA has not regularly reviewed permitting. In 2014, a review by California officials found that injection wells had been wrongly approved in various locations where aquifers were not exempt from the requirements of the Safe Drinking Water Act. The EPA found California's regulatory program wasn't meeting state and federal requirements.**

**As of October 2015, California officials had identified more than 500 wells injecting wastewater into 11 nonexempt aquifers “with the potential to threaten underground sources of drinking water,” the GAO report said. It noted that California had halted the reinjection of oilfield fluids into some of those wells.**

The federal audit concluded that if the EPA had maintained an updated database of aquifer exemptions, the agency’s regional office “may have had the information it needed to review injection well permits to determine whether injections were being made into exempted aquifers.” It said that if there had been on-site evaluations, the EPA might also have discovered sooner that California’s program wasn’t meeting state and federal requirements.

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Here is the GAO report: [Drinking Water:](#)

[EPA Needs to Collect Information and Consistently Conduct Activities to Protect Underground Sources of Drinking Water](#)

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